UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,219	12/20/2001	Terry N. Williams	8173-200	8519

26263 7590 03/07/2007 SONNENSCHEIN NATH & ROSENTHAL LLP P.O. BOX 061080 WACKER DRIVE STATION, SEARS TOWER CHICAGO, IL 60606-1080	EXAMINER
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ART UNIT	PAPER NUMBER
3626	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
Office Action Summary	10/026,219	WILLIAMS, TERRY N.
	Examiner	Art Unit
	David M. Kohut, Esq.	3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
   Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>20 December 2001</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-41</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-41</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>20 December 2001</u> is/are: a)☐ accepted or b)☒ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date <u>25 June 2002</u>.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Notice to Applicant

1.   This communication is in response to the application filed on 21 December 2001.

Claims 1-41 are pending. The IDS statement filed 25 June 2002 has been entered and

considered.

Priority

2.   Applicant's claim for the benefit of a prior-filed application No. 60/258,297, filed

on 22 December 2000, under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c)

is acknowledged and accepted.

Drawings

3.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5)

because they include the following reference character(s) not mentioned in the

description: "412", "558", and "562". Corrected drawing sheets in compliance with 37

CFR 1.121(d), or amendment to the specification to add the reference character(s) in

the description in compliance with 37 CFR 1.121(b) are required in reply to the Office

action to avoid abandonment of the application. Any amended replacement drawing

sheet should include all of the figures appearing on the immediate prior version of the

sheet, even if only one figure is being amended. Each drawing sheet submitted after the

filing date of an application must be labeled in the top margin as either "Replacement

Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept

the changes, the applicant will be notified and informed of any required corrective action

in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4.   The use of the trademarks MEDePASS, TracMed, and Verisign has been noted

in this application. It should be capitalized wherever it appears and be accompanied by

the generic terminology.

Although the use of trademarks is permissible in patent applications, the

proprietary nature of the marks should be respected and every effort made to prevent

their use in any manner which might adversely affect their validity as trademarks.

5.   The disclosure is objected to because of the following informalities:

a.   Page 3, line 5, insert reference character "304" after "patient";

b.   Page 3, line 5, and page 6, line 17, insert reference character "316" after

"supplier";

c.   Page 3, line 5, page 6, line 17, page 25, lines 3 and 6, insert reference

character "308" after "physician";

d.   Page 5, line 12, change the sentence to "...before filing a Request for

Reimbursement..." by removing the first "request for" in the original sentence;

e.   Page 6, line 4, insert reference character "316" after "supplier";

f.   Page 6, line 6 and 8, insert reference character "320" after "supplier's

records";

g.   Page 6, lines 13 and 14, and page 27, line4, insert reference character

"324" after "third party payor";

h.   Page 7, line 9, change "HPAA" to "HIPAA";

i.   Page 22, line 21, change reference character "14" to reference character

"114".

Appropriate correction is required.

Claim Objections

6.   Claim 1 is objected to because of the following informalities: on line 12, change

"the operator" to "an operator" and on line 16, insert "device" after "second access".

Appropriate correction is required.

7.   Claim 3 is objected to because of the following informalities: on line 3, change

"...to identify of the operator..." to "...to identify the operator...". Appropriate correction

is required.

8.   Claim 7 is objected to because of the following informalities: on line 1, change

"identity" to "identify". Appropriate correction is required.

9.   Claim 21 is objected to because of the following informalities: on line 1, remove

"of" after "including". Appropriate correction is required.

10.   Claim 35 is objected to because of the following informalities: on line 14, insert

"of" after "section". Appropriate correction is required.

11.   Claim 36 is objected to because of the following informalities: on line 2, insert

"device" after "first access". Appropriate correction is required.

12.   Claim 40 is objected to because of the following informalities: on line 3, insert "is

used" after "physician". Appropriate correction is required.

Claim Rejections - 35 USC § 112

13.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

14.   Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention. This claim mentions one representative of the physician

includes the physician. As stated, it is unclear whether this means that the physician is

representing him/herself or whether the physician is represented by another physician.

Applicant is requested to make the appropriate change to clarify this issue.

Claim Rejections - 35 USC § 102

15.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public
> use or on sale in this country, more than one year prior to the date of application for patent in the United
> States.

16.   Claims 1-4, 6-7, 9-10, 13, and 35-37 are rejected under 35 U.S.C. 102(b) as

being anticipated by Lemble, U.S. Patent No. 5,315,504, reference A on the attached

PTO-892.

17.   As per claim 1, Lemble teaches a method for processing a form document across

a communications network comprising a first access device, a second access device,

and a form server, i.e. means are provided to enable user using any terminal connected

to the system network to select a form among prestored document forms, fill said form

in and then have said form mailed for approval by system users selected based on

predefined and stored rules (see abstract of Lemble); the method comprising the steps

of: receiving at least one request for an operator of the first access device to process

the form document, i.e. a user may initiate a session using any of the terminals attached

to the network (see column 4, lines 3-4 of Lemble); determining whether the operator of

the first access device is authorized to process the form document, i.e. a user may

initiate a session using any of the terminals attached to the network, and through a log-

on procedure reach his/her machine (see column 4, lines 3-5 of Lemble); providing at

least one image of the form document to be viewed by the operator of the first access

device, i.e. the layout of the screens which the user is presented with, depends on the

original form designer's choices (see column 14, lines 60-61 of Lemble); receiving at

least one response from the operator of the first access device including information

used to complete the form document, i.e. the user fills-in all the data for a particular item

of the Purchase Request (see column 15, lines 57-59 of Lemble); determining whether

the operator of the second access device is authorized to process the form document,

i.e. a user may initiate a session using any of the terminals attached to the network, and

through a log-on procedure reach his/her machine (see column 4, lines 3-5 of Lemble);

providing at least one image of the form document to be viewed by the operator of the

second access device, i.e. if the user is an Authorizer, he will see the screen (see

column 19, line 36 of Lemble); receiving at least one response from the operator of the

second access device including information used to complete the form document, i.e.

the user is shown data modification panels and can add or modify data in the document

(see column 19, lines 32-33 of Lemble).

18.   As per claim 2, Lemble teaches the method of claim 1 as described above.

Lemble further teaches the method wherein at least part of the information received

from the operator of the first access device and at least part of the information received

from the operator of the second access device associated are recorded in a database,

i.e. a Data Base administrator is provided which contains SQL/DS tools to select;

update; insert or delete data from a DATA BASE stored on disks (see column 5, lines

65-68 of Lemble).

19.   As per claim 3, Lemble teaches the method of claim 1 as described above.

Lemble further teaches the method wherein the step of determining whether the

operator of the first access device is authorized to process the form document includes

receiving information to identify the operator of the first access device, i.e. logging-on

means identifying himself (herself) to the system by typing a personal identification code

(userid) and in most cases a password (see column 4, lines 5-10 of Lemble).

20.   As per claim 4, Lemble teaches the method of claim 3 as described above.

Lemble further teaches the method wherein the information to identify the operator of

the first access device includes a password, i.e. logging-on means identifying himself

(herself) to the system by typing a personal identification code (userid) and in most

cases a password (see column 4, lines 5-10 of Lemble).

21.   As per claim 6, Lemble teaches the method of claim 3 as described above.

Lemble further teaches the method wherein the step of determining whether the

operator of the second access device is authorized to process the form document

includes receiving information to identify the operator of the second access device, i.e.

logging-on means identifying himself (herself) to the system by typing a personal

identification code (userid) and in most cases a password (see column 4, lines 5-10 of Lemble).

22.   As per claim 7, Lemble teaches the method of claim 6 as described above. Lemble further teaches the method wherein the information to identify the operator of the second access device includes a password, i.e. logging-on means identifying himself (herself) to the system by typing a personal identification code (userid) and in most cases a password (see column 4, lines 5-10 of Lemble).

23.   As per claim 9, Lemble teaches the method of claim 1 as described above. Lemble further teaches the method wherein the information received from the operator of the first access device includes a digital signature, i.e. first, the user is recognized for being logged on a virtual machine which the system knows as a "signature" (approval) machine assigned to a registered user (see column 12, lines 61-63 of Lemble).

24.   As per claim 10, Lemble teaches the method of claim 9 as described above. Lemble further teaches the method wherein the information received from the operator of the second access device includes a digital signature, i.e. first, the user is recognized for being logged on a virtual machine which the system knows as a "signature" (approval) machine assigned to a registered user (see column 12, lines 61-63 of Lemble).

25.   As per claim 13, Lemble teaches the method of claim 1 as described above. Lemble further teaches the method further including the steps of determining whether the information used to complete the form document received from the operator of the first access device is valid, i.e. first, it checks all the document data (see column 17, line

39 of Lemble); and whether the information used to complete the form document

received from the operator of the second access device is valid, i.e. the system will

display a confirmation panel (see column 19, line 55 of Lemble).

26.   As per claim 35, Lemble teaches a system for processing a multi-part form

document, i.e. a system for accessing a prestored blank form library, selecting a form,

filling-in said form, computing an approval path based on filled-in form data and on

specific predefined approval rules referring to user's job or function within the population

of system's attached users, and monitoring and controlling the corresponding approval

operations (see column 2, lines 21-28 of Lemble) comprising: a first access device, i.e.

"Terminal T1" (see Figure 1 of Lemble); a second access device, i.e. "Terminal T2" (see

Figure 1 of Lemble); and a form server connected to the first access device and

connected to the second access device over a communication network, i.e. unfilled

(blank) forms have been designed and stored in the system (SEALSYST) for further use

and conversion into documents to be processed (e.g. approved) using the invention

(see column 5, lines 12-15 of Lemble); wherein the form server is operative with the first

access device and second access device to: determine if an operator of the first access

device is authorized to populate at least one section of the multi-part form, i.e. a user

may initiate a session using any of the terminals attached to the network, and through a

log-on procedure reach his/her machine (see column 4, lines 3-5 of Lemble); receive

information used to populate the at least one section of the multi-part form from the first

access device and store at least part of the information received from the first access

device in at least one file, i.e. the user fills-in all the data for a particular item and an

entry for a document preparation involves read/write operations into the database (see

column 6, lines 9-11, and column 15, lines 57-59 of Lemble); determine if an operator of

the second access device is authorized to populate at least one additional section of the

multi-part form, i.e. a user may initiate a session using any of the terminals attached to

the network, and through a log-on procedure reach his/her machine (see column 4,

lines 3-5 of Lemble); receive information used to populate the at least one additional

section of the multi-part form from the second access device and store at least part of

the information received from the second access device in the at least one file, i.e. the

user is shown data modification panels and can add or modify data in the document and

an entry for a document preparation involves read/write operations into the database

(see column 6, lines 9-11, and column 19, lines 32-33 of Lemble).

27.   As per claim 36, Lemble teaches the system of claim 35 as described above.

Lemble further teaches the system wherein the form server is operative with the first

access device to send information included in the multi-part form to the operator of the

first access device after receiving a request to process the multi-part form document by

the operator of the first access device, i.e. the user can view all information about the

document, i.e. the document itself; the approver list with decisions of approvers who

have already acted on the document; the document originator and approvers

comments, if any (see column 19, lines 21-25 of Lemble).

28.   As per claim 37, Lemble teaches the system of claim 36 as described above.

Lemble further teaches the system wherein the form server is operative with the second

access device to send information included in the multi-part form to the operator of the

second access device after receiving a request to process the multi-part form document

by the operator of the second access device, i.e. the user can view all information about

the document, i.e. the document itself; the approver list with decisions of approvers who

have already acted on the document; the document originator and approvers

comments, if any (see column 19, lines 21-25 of Lemble).

Claim Rejections - 35 USC § 103

29.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

30.   Claims 5, 8, 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Lemble, U.S. Patent No. 5,315,504, reference A on the attached PTO-892, in view

of Bell, U.S. Patent No. 6,272,506, reference B on the attached PTO-892.

31.   As per claim 5, Lemble teaches the method of claim 3 as described above.

However, Lemble does not explicitly teach the method of using a credentialing input

device. Bell, however, does teach the method wherein the information to identify the

operator of the first access device includes information obtained from a credentialing

input device, i.e. authorized users can effect a change by entering new data and then

initialing or signing the new entry via a digital biometric signature or initial capture or by

electronic signatures that require two separate identifiers (see column 2, lines 30-34 of

Bell). It would have been prima facie obvious to one of ordinary skill in the art at the

time of the invention to incorporate this feature into the method of Lemble. One of

ordinary skill in the art would have been motivated to incorporate this feature in order to

provide a clear audit trail for evaluation purposes (see column 1, lines 52-53 of Bell).

32.   As per claim 8, Lemble teaches the method of claim 6 as described above.

However, Lemble does not explicitly teach the method of using a credentialing input

device. Bell, however, does teach the method wherein the information to identify the

operator of the second access device includes information obtained from a credentialing

input device, i.e. authorized users can effect a change by entering new data and then

initialing or signing the new entry via a digital biometric signature or initial capture or by

electronic signatures that require two separate identifiers (see column 2, lines 30-34 of

Bell). It would have been prima facie obvious to one of ordinary skill in the art at the

time of the invention to incorporate this feature into the method of Lemble. One of

ordinary skill in the art would have been motivated to incorporate this feature in order to

provide a clear audit trail for evaluation purposes (see column 1, lines 52-53 of Bell).

33.   As per claim 16, Lemble teaches the method of claim 1 as described above.

However, Lemble does not explicitly teach the method wherein a date and time of the

response is recorded. Bell, however, does explicitly teach the method wherein a data

and time that the at least one response from the operator of the first access device

including information used to complete the form document is received are recorded in a

database, i.e. a unique routine or set of routines automatically monitor whether a value

is changed after it is first entered into the form and, if so, requires the user to authorize

the change by sign off before the changed value will be accepted, and which then flags

the changed value and stores the previous value, the changed value, the user's initials,

and the date and time each value was entered (see column 2, lines 51-57 of Bell). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the method of Lemble. One of ordinary skill in the art would have been motivated to incorporate this feature in order to provide an audit trail (see column 2, lines 48-49 of Bell).

34.   As per claim 17, Lemble and Bell teach the method of claim 16 as described above. Bell further teaches the method wherein a date and time that the at least one response from the operator of the second access device including information used to complete the form document is received are recorded in a database, i.e. a unique routine or set of routines automatically monitor whether a value is changed after it is first entered into the form and, if so, requires the user to authorize the change by sign off before the changed value will be accepted, and which then flags the changed value and stores the previous value, the changed value, the user's initials, and the date and time each value was entered (see column 2, lines 51-57 of Bell). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the method of Lemble. One of ordinary skill in the art would have been motivated to incorporate this feature in order to provide an audit trail (see column 2, lines 48-49 of Bell).

35.   Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemble, U.S. Patent No. 5,315,504, reference A on the attached PTO-892, in view of Ginter et al., U.S. Patent No. 5,892,900, reference C on the attached PTO-892.

36.   As per claim 11, Lemble teaches the method of claim 1 as described above.

However, Lemble does not explicitly teach the method that uses encryption technology.

Ginter et al., however, does teach the method wherein the first access device includes

at least one encryption application, i.e. normally, most usage, audit, reporting, payment,

and distribution control methods are themselves at least in part encrypted (see column

45, lines 30-32 of Ginter et al.). It would have been prima facie obvious to one of

ordinary skill in the art at the time of the invention to incorporate this feature into the

method of Lemble. One of ordinary skill in the art would have been motivated to

incorporate this feature so that the parties can trust that such information cannot be

received by anyone other than the intended, authorized party(ies) (see column 14, lines

36-39 of Ginter et al.).

37.   As per claim 12, Lemble and Ginter et al. teach the method of claim 11 as

described above. Ginter et al. further teaches the method wherein the second access

device includes at least one encryption application, i.e. normally, most usage, audit,

reporting, payment, and distribution control methods are themselves at least in part

encrypted (see column 45, lines 30-32 of Ginter et al.). It would have been prima facie

obvious to one of ordinary skill in the art at the time of the invention to incorporate this

feature into the method of Lemble. One of ordinary skill in the art would have been

motivated to incorporate this feature so that the parties can trust that such information

cannot be received by anyone other than the intended, authorized party(ies) (see

column 14, lines 36-39 of Ginter et al.).

38.   Claims 14-15 and 31-32 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Lemble, U.S. Patent No. 5,315,504, reference A on the attached

PTO-892, in view of Kyle et al., Publication No. 2001/0032215, reference D on the

attached PTO-892.

39.   As per claim 14, Lemble teaches the method of claim 1 as described above.

However, Lemble does not explicitly teach the method wherein the operators can

complete only certain sections of the form. Kyle et al., however, does teach the method

wherein the form document has multiple sections and further including the steps of

determining which sections of the form document the operator of the first access device

is permitted to populate before receiving the at least one response from the operator of

the first access device including information used to complete the form document, i.e.

the information within secure member information repository can be viewed, edited and

added to only by the member of form processing system (see page 3, paragraph 0021,

lines 6-7 and 9-11 of Kyle et al.); and determining which sections of the form document

the operator of the second access device is permitted to populate before receiving the

at least one response from the operator of the second access device including

information used to complete the form document, i.e. only a physician with a physician

verified password can authenticate the data entered in any of the medical fields (see

page 3, paragraph 0023, lines 6-7 of Kyle et al.). It would have been prima facie

obvious to one of ordinary skill in the art at the time of the invention to incorporate this

feature into the method of Lemble. One of ordinary skill in the art would have been

motivated to incorporate this feature so that medical information is appropriately

authenticated by the appropriate individuals (see page 1, paragraph 0001, lines 10-13

of Kyle et al.).

40.   As per claim 15, Lemble teaches the method of claim 1 as described above.

However, Lemble does not explicitly teach the method wherein the operators can

complete only certain sections of the form. Kyle et al., however, does teach the method

wherein the form document has multiple sections and further including the steps of

determining which sections of the form document the operator of the first access device

is permitted to populate after receiving the at least one response from the operator of

the first access device including information used to complete the form document, i.e.

the information within secure member information repository can be viewed, edited and

added to only by the member of form processing system (see page 3, paragraph 0021,

lines 6-7 and 9-11 of Kyle et al.); and determining which sections of the form document

the operator of the second access device is permitted to populate after receiving the at

least one response from the operator of the second access device including information

used to complete the form document, i.e. only a physician with a physician verified

password can authenticate the data entered in any of the medical fields (see page 3,

paragraph 0023, lines 6-7 of Kyle et al.). It would have been prima facie obvious to one

of ordinary skill in the art at the time of the invention to incorporate this feature into the

method of Lemble. One of ordinary skill in the art would have been motivated to

incorporate this feature so medical information is appropriately authenticated by the

appropriate individuals (see page 1, paragraph 0001, lines 10-13 of Kyle et al.).

41.   As per claim 31, Lemble does not explicitly teach the method wherein the

operators can complete only certain sections of the form. Kyle et al., however, does

teach the method further including the steps of determining which sections of the form

document that the 'operator' is permitted to populate before receiving information from

the 'operator' including information used to complete the form document, i.e. the

information within secure member information repository can be viewed, edited and

added to only by the member of form processing system (see page 3, paragraph 0021,

lines 6-7 and 9-11 of Kyle et al.); and determining which sections of the form document

that the 'second operator' is permitted to populate before receiving the information from

the 'second operator' including information used to complete the form document, i.e.

only a physician with a physician verified password can authenticate the data entered in

any of the medical fields (see page 3, paragraph 0023, lines 6-7 of Kyle et al.). It would

have been prima facie obvious to one of ordinary skill in the art at the time of the

invention to incorporate this feature into the method of Lemble. One of ordinary skill in

the art would have been motivated to incorporate this feature so medical information is

appropriately authenticated by the appropriate individuals (see page 1, paragraph 0001,

lines 10-13 of Kyle et al.). The remaining features of claim 31 were discussed in the

rejection of claim 20 above and are incorporated herein.

42.   As per claim 32, Lemble does not explicitly teach the method wherein the

operators can complete only certain sections of the form. Kyle et al., however, does

teach the method further including the steps of determining which sections of the form

document that the 'operator' is permitted to populate after receiving information from the

'operator' including information used to complete the form document, i.e. the information

within secure member information repository can be viewed, edited and added to only

by the member of form processing system (see page 3, paragraph 0021, lines 6-7 and

9-11 of Kyle et al.); and determining which sections of the form document that the

'second operator' is permitted to populate after receiving the information from the

'second operator' including information used to complete the form document, i.e. only a

physician with a physician verified password can authenticate the data entered in any of

the medical fields (see page 3, paragraph 0023, lines 6-7 of Kyle et al.). It would have

been prima facie obvious to one of ordinary skill in the art at the time of the invention to

incorporate this feature into the method of Lemble. One of ordinary skill in the art would

have been motivated to incorporate this feature so medical information is appropriately

authenticated by the appropriate individuals (see page 1, paragraph 0001, lines 10-13

of Kyle et al.). The remaining features of claim 32 were discussed in the rejection of

claim 20 above and are incorporated herein.

43.   Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lemble,

U.S. Patent No. 5,315,504, reference A on the attached PTO-892, in view of Ginter et

al., U.S. Patent No. 5,892,900, reference C on the attached PTO-892, and Wesinger, Jr.

et al., U.S. Patent No. 5,898,830, reference E on the attached PTO-892.

44.   As per claim 18, Lemble and Ginter et al. teach the method of claim 12 as

described above. However, neither Lemble nor Ginter et al. teach the method capable

of containing a firewall and encryption and decryption capabilities. However, Wesinger,

Jr. et al. does teach a method wherein the form server includes firewall and encryption

and decryption capability, i.e. the firewalls may be configured to also transparently perform any of various kinds of channel processing, including various types of encryption and decryption (see column 4, lines 38-41 of Wesinger, Jr. et al.). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the method of Lemble and Ginter et al. One of ordinary skill in the art would have been motivated to incorporate this feature in order to allow two remote machines to communicate securely, regardless of the degree of proximity or separation, in the same manner as if the machines were on the same local area network (see column 4, lines 43-45 of Wesinger, Jr. et al.).

45.   Claims 19-22, 24, 26, 28, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemble, U.S. Patent No. 5,315,504, reference A on the attached PTO-892.

46.   As per claim 19, Lemble teaches a method for processing an electronic form document across a communications network comprising a first access device, a second access device and a form server, i.e. means are provided to enable user using any terminal connected to the system network to select a form among prestored document forms, fill said form in and then have said form mailed for approval by system users selected based on predefined and stored rules (see abstract of Lemble); the method comprising the steps of: receiving at least one request to process the form document through a first access device including information to uniquely identify the 'operator', i.e. a user may initiate a session using any of the terminals attached to the network, and through a log-on procedure reach his/her machine (see column 4, lines 3-5 of Lemble);

providing 'the operator' with at least one image of the form document, i.e. the layout of

the screens which the user is presented with, depends on the original form designer's

choices (see column 14, lines 60-61 of Lemble); receiving information from the

'operator' including information used to complete the form document, i.e. the user fills-in

all the data for a particular item of the Purchase Request (see column 15, lines 57-59 of

Lemble); receiving at least one request requesting to process the form document

through a second access device operated by 'an operator', the at least one request

requesting to process the form document through a second access device including

information to uniquely identify the 'operator', i.e. a user may initiate a session using any

of the terminals attached to the network, and through a log-on procedure reach his/her

machine (see column 4, lines 3-5 of Lemble); determining whether the 'operator' is

authorized to view the form document and providing the 'operator' with an image of the

form document if the 'operator' is authorized to view the form document, i.e. a user may

initiate a session using any of the terminals attached to the network, and through a log-

on procedure reach his/her machine and if the user is an Authorizer, he will see the

screen (see column 4, lines 3-5, and see column 19, line 36 of Lemble); receiving

information from the 'operator' including information used to complete the form

document, i.e. the user is shown data modification panels and can add or modify data in

the document (see column 19, lines 32-33 of Lemble).

The reference fails to teach use by a representative of a supplier or medical

equipment and a representative of a physician. However, the difference between

Lemble (prior art) and claim 19 relates only to the intended use of the invention (i.e., to

the types of people using the claimed invention). A recitation of intended use of the

claimed invention must result in a structural difference between the claimed invention

and the prior art in order to patentably distinguish the claimed invention from the prior

art. If the prior art structure is capable of performing the intended use, then it meets the

claim.

47.   As per claim 20, the difference between Lemble (prior art) and claim 20 relates

only to the intended use of the invention (i.e., to the types of people using the claimed

invention). A recitation of the intended use of the claimed invention must result in a

structural difference between the claimed invention and the prior art in order to

patentably distinguish the claimed invention from the prior art. If the prior art structure is

capable of performing the intended use, then it meets the claim. The remaining

features of claim 20 were discussed in the rejection of claim 19 above and are

incorporated herein.

48.   As per claim 21, Lemble further teaches the method further including the step of

receiving a digital signature from the physician, i.e. i.e. first, the user is recognized for

being logged on a virtual machine which the system knows as a "signature" (approval)

machine assigned to a registered user (see column 12, lines 61-63 of Lemble). The

remaining features of claim 21 were discussed in the rejection of claim 20 above and

are incorporated herein.

49.   As per claim 22, Lemble further teaches the method wherein at least part of the

information received from the 'operator' and at least part of the information received

from the 'operator' are recorded in a database after receiving the digital signature from

the 'operator', i.e. a Data Base administrator is provided which contains SQL/DS tools to

select; update; insert or delete data from a DATA BASE stored on disks (see column 5,

lines 65-68 of Lemble).

Again, the reference fails to teach use by a representative of a supplier or medical

equipment and a representative of a physician. However, the difference between

Lemble (prior art) and claim 19 relates only to the intended use of the invention (i.e., to

the types of people using the claimed invention). A recitation of intended use of the

claimed invention must result in a structural difference between the claimed invention

and the prior art in order to patentably distinguish the claimed invention from the prior

art. If the prior art structure is capable of performing the intended use, then it meets the

claim. The remaining features of claim 22 were discussed in the rejection of claim 21

above and are incorporated herein.

50.   As per claim 24, Claim 21 includes claims 19 and 20 through dependency.

Claims 19-21 recite receiving a request to process a form, receiving information to

complete the form, receiving a digital signature, and recording the information received

in the database after a signature and claim 24 repeats these steps. The courts have

broadly held that the duplication of parts is obvious. *In re Harza*, 274 F.2d 669, 124

USPQ 378 (CCPA 1960). As such, these changes do not present a patentable

distinction over the applied prior art of record. The remaining features of claim 24 were

discussed in the rejection of claim 21 above and are incorporated herein.

51.   As per claim 26, Lemble further teaches the method wherein the information

uniquely identifying the 'operator' includes a password, i.e. logging-on means identifying

himself (herself) to the system by typing a personal identification code (userid) and in

most cases a password (see column 4, lines 6-10 of Lemble). The remaining features

of claim 26 were discussed in the rejection of claim 20 above and are incorporated

herein.

52.   As per claim 28, Lemble further teaches the method wherein the information

uniquely identifying the 'operator' includes a password, i.e. logging-on means identifying

himself (herself) to the system by typing a personal identification code (userid) and in

most cases a password (see column 4, lines 6-10 of Lemble). The remaining features

of claim 28 were discussed in the rejection of claim 26 above and are incorporated

herein.

53.   As per claim 30, the difference between Lemble (prior art) and claim 30 relates

only to the intended use of the invention (i.e., to the types of people using the claimed

invention). A recitation of the intended use of the claimed invention must result in a

structural difference between the claimed invention and the prior art in order to

patentably distinguish the claimed invention from the prior art. If the prior art structure is

capable of performing the intended use, then it meets the claim.

In addition, claim 20 is dependent upon claim 19, which recites access by a

representative of a supplier and in claim 30 recites access by a representative of a third

party payor, information uniquely identifying the third party payor and its representative,

and determining whether access and viewing is authorized. This is a duplication of

parts of claim 19. The courts have broadly held that the duplication of parts is obvious.

In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960). As such, these changes do

not present a patentable distinction over the applied prior art of record. The remaining

features of claim 30 were discussed in the rejection of claim 20 above and are

incorporated herein.

54.   Claims 23, 25, 27, and 29 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Lemble, U.S. Patent No. 5,315,504, reference A on the attached

PTO-892 in view of Bell, U.S. Patent No. 6,272,506, reference B on the attached PTO-

892.

55.   As per claim 23, Lemble does not explicitly teach the method wherein the date

and time are recorded. Bell, however, does teach the method wherein the date and

time that the digital signature from the physician is received are recorded in the

database, i.e. each entry into that field has its own unique data record created and a

checksum generated for its value, date, time of entry, and the user specific identifier,

such as initials or a signature (see column 5, lines 48-52 of Bell). It would have been

prima facie obvious to one of ordinary skill in the art at the time of the invention to

incorporate this feature into the method of Lemble. One of ordinary skill in the art would

have been motivated to incorporate this feature in order to provide an audit trail (see

column 2, lines 48-49 of Bell). The remaining features of claim 23 were discussed in

the rejection of claim 22 above and are incorporated herein.

56.   As per claim 25, Lemble does not explicitly teach the method wherein a second

date and time are recorded. Bell, however does teach the method wherein a first date

and time that the digital signature from the physician is received are recorded in the

database and wherein a second date and time that the additional digital signature form

the physician is received are recorded in the database, i.e. each entry into that field has

its own unique data record created and a checksum generated for its value, date, time

of entry, and the user specific identifier, such as initials or a signature (see column 5,

lines 48-52 of Bell). It would have been prima facie obvious to one of ordinary skill in

the art at the time of the invention to incorporate this feature into the method of Lemble.

One of ordinary skill in the art would have been motivated to incorporate this feature in

order to provide an audit trail (see column 2, lines 48-49 of Bell). The remaining

features of claim 25 were discussed in the rejection of claim 24 above and are

incorporated herein.

57.   As per claim 27, Lemble does not explicitly teach the method using credentialing

input. Bell, however, does teach the method wherein at least part of the information

uniquely identifying the 'operator' is determined from a credentialing input device, i.e.

authorized users can effect a change by entering new data and then initialing or signing

the new entry via a digital biometric signature or initial capture or by electronic

signatures that require two separate identifiers (see column 2, lines 30-34 of Bell). It

would have been prima facie obvious to one of ordinary skill in the art at the time of the

invention to incorporate this feature into the method of Lemble. One of ordinary skill in

the art would have been motivated to incorporate this feature in order to provide a clear

audit trail for evaluation purposes (see column 1, lines 52-53 of Bell). The remaining

features of claim 27 were discussed in the rejection of claim 20 above and are

incorporated herein.

58.   As per claim 29, Claim 27 recites using a credentialing input device and then

repeats this step in claim 29. This is a duplication of parts. The courts have broadly

held that the duplication of parts is obvious. *In re Harza*, 274 F.2d 669, 124 USPQ 378

(CCPA 1960). As such, these changes do not present a patentable distinction over the

applied prior art of record. The remaining features of claim 29 were discussed in the

rejection of claim 27 above and are incorporated herein.

59.   Claims 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Lemble, U.S. Patent No. 5,315,504, reference A on the attached PTO-892, in view of

Martin et al., U.S. Patent No. 6,862,571, reference F on the attached PTO-892.

60.   As per claim 33, Lemble teaches the method for processing form documents

across a communications network comprising a first access device, a second access

device and a form server, i.e. means are provided to enable user using any terminal

connected to the system network to select a form among prestored document forms, fill

said form in and then have said form mailed for approval by system users selected

based on predefined stored rules (abstract, lines 2-7 of Lemble); comprising the steps

of: providing a physician with an application to process at least one of the form

documents from the form server, i.e. unfilled (blank) forms have been designed and

stored in the system (SEALSYST) for further use and conversion into documents to be

processed (e.g. approved) using the invention (see column 5, lines 12-15 of Lemble);

determining whether the application should be approved, i.e. the user can Authorize

(Approve) the document with PF1 (see column 19, lines 54-55 of Lemble); and

providing at least one key to access the at least one of the form documents from the

form server if the application is approved, i.e. a user may initiate a session using any of the terminals attached to the network, and through a log-on procedure reach his/her machine (see column 4, lines 3-5 of Lemble).

The first part of claim 33 recites the steps as stated above and then the second part repeats these steps with the only difference being that the physician is supplemented with a representative of a supplier. This is a duplication of parts. The courts have broadly held that the duplication of parts is obvious. *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960). As such, these changes do not present a patentably distinction over the applied prior art of record.

Lemble fails to teach use by a physician or a representative of a supplier. However, the difference between Lemble (prior art) and claim 33 relates only to the intended use of the invention (i.e., to the types of people using the claimed invention). A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, it meets the claim. The prior art structure is capable of performing the intended use with a physician and a representative of a supplier, and as such the claim is rejected.

In addition, Lemble does not explicitly teach the method wherein the physician's license status is verified. However, Martin et al. does teach the method wherein the physician's license status is verified, i.e. the CVO typically obtains and/or verifies required information about each physician, including, a valid and current license (see

column 3, lines 21-25 of Martin et al.). It would have been prima facie obvious to one of

ordinary skill in the art at the time of the invention to incorporate this feature into the

method of Lemble. One of ordinary skill in the art would have been motivated to

incorporate this feature to ensure the public that it is receiving adequate care from a

qualified medical professional (see column 3, lines 30-31 of Martin et al.).

61.   As per claim 34, Lemble further teaches receiving at least one request to process

the form document through a first access device operated by the 'operator', the at least

one request requesting to process one of the at least one of the form documents

through the first access device including information to uniquely identify the 'operator',

i.e. a user may initiate a session using any of the terminals attached to the network, and

through a log-on procedure reach his/her machine (see column 4, lines 3-5 of Lemble);

determining whether the 'operator' is authorized to process the form document and

providing the 'operator' with an image of the form document, i.e. a user may initiate a

session using any of the terminals attached to the network, and through a log-on

procedure reach his/her machine and if the user is an Authorizer, he will see the screen

(see column 4, lines 3-5, and see column 19, line 36 of Lemble); receiving information

from the 'operator' including information used to complete the form document, i.e. the

user is shown data modification panels and can add or modify data in the document

(see column 19, lines 32-33 of Lemble); receiving at least one request requesting to

process one of the at least one of the form documents through a second access device

operated by 'a second operator', the at least one request requesting to process one of

the at least one of the form documents through a second access device including

information to uniquely identify the 'operator', i.e. a user may initiate a session using any of the terminals attached to the network, and through a log-on procedure reach his/her machine (see column 4, lines 3-5 of Lemble); determining whether the 'operator' is authorized to view the form document and providing the 'operator' with an image of the form document, i.e. a user may initiate a session using any of the terminals attached to the network, and through a log-on procedure reach his/her machine and if the user is an Authorizer, he will see the screen (see column 4, lines 3-5, and see column 19, line 36 of Lemble); and receiving information from the 'operator' including information used to complete the form document, i.e. the user fills-in all the data for a particular item of the Purchase Request (see column 15, lines 57-59 of Lemble).

The reference fails to teach use by a supplier and a representative of a supplier or physician and a representative of a physician. However, the difference between Lemble (prior art) and claim 34 relates only to the intended use of the invention (i.e., to the types of people using the claimed invention). A recitation of intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. The prior art structure is capable of performing the intended use with a physician or a representative of a physician and a supplier or representative of a supplier, and as such the claim is rejected. The remaining features of claim 34 were discussed in the rejection of claim 33 above and are incorporated herein.

62.   Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lemble,

U.S. Patent No. 5,315,504, reference A on the attached PTO-892, in view of *Discount*

Scooters, reference U on the attached PTO-892.

63.   As per claim 38, Lemble does not explicitly teach the method including a

Certificate of Medical Necessity. *Discount Scooters*, however, does teach the method

wherein the form is a Certificate of Medical Necessity, i.e. to file a claim with Medicare,

a Certificate of Medical Necessity (CMN) is required (see page 2, lines 21-22 of

Discount Scooters). It would have been prima facie obvious to one of ordinary skill in

the art at the time of the invention to incorporate this feature into the method of Lemble.

One of ordinary skill in the art would have been motivated to incorporate this feature in

order to qualify for Medicare reimbursement (see page 2, lines 11-12 of *Discount*

Scooters). The remaining features of claim 38 were discussed in the rejection of claim

20 above and are incorporated herein.

64.   Claims 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Lemble, U.S. Patent No. 5,315,504, reference A on the attached PTO-892, in view of

Discount Scooters, reference U on the attached PTO-892, and Form HCFA, reference V

on the attached PTO-892.

65.   As per claim 39, neither Lemble nor *Discount Scooters* teach what the Certificate

of Medical Necessity looks like. Form HCFA 843, however, teaches a Certificate of

Medical Necessity which includes a first section, a second section, a third section and a

fourth section, i.e. section A, section B, section C, and section D (see Form HCFA 843,

pages 1-2). It would have been prima facie obvious to one of ordinary skill in the art at

the time of the invention to incorporate this feature into the method of Lemble. One of

ordinary skill in the art would have been motivated to incorporate this feature in order to

qualify for Medicare reimbursement (see page 2, lines 11-12 of *Discount Scooters*).

The remaining features of claim 39 were discussed in the rejection of claim 38 above

and are incorporated herein.

66.   As per claim 40, Form HCFA 843 further teaches the step of recording the

information received from the representative of the supplier and the information

received from the representative of the physician is used to create a completed

Certificate of Medical Necessity, i.e. section A may be completed by the supplier,

section B may not be completed by the supplier, section C is to be completed by the

supplier, and section D is to be completed by the physician (see page 2 of Form HCFA

843). It would have been prima facie obvious to one of ordinary skill in the art at the

time of the invention to incorporate this feature into the method of Lemble. One of

ordinary skill in the art would have been motivated to incorporate this feature in order to

qualify for Medicare reimbursement (see page 2, lines 11-12 of *Discount Scooters*).

The remaining features of claim 40 were discussed in the rejection of claim 39 above

and are incorporated herein.

67.   As per claim 41, Form HCFA 843 further teaches only the information received

from the representative of the physician is used to complete the second section of the

Certificate of Medical Necessity, i.e. section B may not be completed by the supplier;

while this section may be completed by a non-physician clinician, or a physician

employee, it must be reviewed, and the CMN signed (in Section D) by the ordering

physician (see page 2 of Form HCFA 843); and wherein only the information received

from the representative of the supplier is used to complete the third section of the

Certificate of Medical Necessity, i.e. section C is to be completed by the supplier (see

page 2 of Form HCFA 843); and wherein only the information received from the

physician is used to complete the fourth section of the Certificate of Medical Necessity,

i.e. section D is to be completed by the physician (see page 2 of Form HCFA 843). It

would have been prima facie obvious to one of ordinary skill in the art at the time of the

invention to incorporate this feature into the method of Lemble. One of ordinary skill in

the art would have been motivated to incorporate this feature in order to qualify for

Medicare reimbursement (see page 2, lines 11-12 of Discount Scooters). The

remaining features of claim 41 were discussed in the rejection of claim 40 above and

are incorporated herein.

Conclusion

68.   The prior art made of record and not relied upon is considered pertinent to

Applicant's disclosure. The cited but not applied prior art teaches an electronic medical

records system (5,942,074); a health care network with durable medical equipment

prescription and physician signature services (US 2002/0133376); a system for directly

accessing fields on electronic forms (6,084,585); a method and apparatus for populating

a form with data (6,589,290); a method and system for processing health care electronic

data transactions (5,930,759); and a medical insurance verification and processing

system (4,491,725).

69.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to David M. Kohut, Esq. whose telephone number is 571-

270-1369. The examiner can normally be reached on M-Th 730-5 w/1st Fri off. 2nd Fri

730-4.

70.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

71.   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DMK
03/02/2007

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3/2/07